UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,736	09/30/2004	Lee George Laborczfalvi	2006579-0242 (CTX-107)	5735

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EXAMINER
ANYA, CHARLES E

ART UNIT	PAPER NUMBER
2194	

NOTIFICATION DATE	DELIVERY MODE
08/31/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/711,736	LABORCZFALVI ET AL.
	Examiner	**Art Unit**	
	CHARLES E. ANYA	2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3/* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *16 July 2010*.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-3,5-15 and 17-20* is/are pending in the application.
   4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *1-3,5-15 and 17-20* is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a)☐ All   b)☐ Some * c)☐ None of:
   1. ☐ Certified copies of the priority documents have been received.
   2. ☐ Certified copies of the priority documents have been received in Application No. _____.
   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date *07/16/10*.
4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

DETAILED ACTION

1.   Claims 1-3, 5-15 and 17-20 are pending this application.

Specification

Applicant has failed to provide antecedent basis for the claimed terminology

"computer usable media" (claim 20). Therefore, the question becomes whether non-

statutory embodiments would be fairly conveyed to one of ordinary skill given the

terminology utilized. Therefore, the Specification is objected to under 37 CFR 1.75 (see

MPEP 608.01(o)).

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine,
manufacture, or composition of matter, or any new and useful improvement
thereof, may obtain a patent therefor, subject to the conditions and requirements
of this title.

2.   **Claim 20 is directed to non-statutory subject matter.**

Given the specification, claim 20 is rejected under 101 as failing to be limited to

embodiments which fall within a statutory category. In this instance, since the

specification does not provide antecedent basis for the claimed "computer usable

medium" it is not clear whether "computer usable medium" is directed to statutory

subject matter.

Therefore, it would appear reasonable to interpret "computer usable medium" as transmission media or other forms of propagation medium and as such fails to be an appropriate manufacture under 35 USC 101 in the context of computer-related inventions.

This claim could be amended such that it is directed to statutory subject matter by amending the specification to specifically define and disclose the claimed "computer usable medium" including disclosing the "computer usable medium" to exclude transmission media or other forms of propagation media or amending the claim (claim 20) to include "non-transitory computer usable medium".

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1-3, 5-15 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 7,162,724 B2 issued to Blaser et al. in view of U.S. Pat. No. 7,203,696 B2 issued to Atm and further in view of U.S. Pub. No. 2005/0091658 A1 to Kavalam et al.

4.   As to claim 1, Blaser teaches a method for presenting an aggregate view of

native resources, the method comprising:

(a) enumerating a plurality of system-scoped native resources provided by a

system layer ("...presenting a virtual view of that data to an operating system..." Col. 3

Ln. 59 – 65);

(b) enumerating, by an isolation environment comprising a user isolation layer

and an application isolation layer ("...The company then has layers defined for different

types of user..." Col. 13 Ln. 1 – 38), a plurality of application-scoped native resources

provided by an application isolation layer ("...application layers which are isolated from

other application..." Col. 3 Ln. 42 – 46, Col. 5 Ln. 18 – 20, Col. 13 Ln. 22 – 27,

"...enumerate the files of a layer..." Col. 20 Ln. 26 – 27), some of the plurality of

application-scoped resources corresponding to some of the plurality of system-scoped

resources ("...file access of 208 might also correspond to files in layers A or the base

file system..." Col. 4 Ln. 35 – 40, "...If files of the same name and location exist in

multiple layers or in the base file system, rules can be provided whereby the layered

system can determine which file to present to an application..." Col. 8 Ln. 6 – 11);

(c) determining, for a system-scope resource of the plurality of system-scoped

resources, the existence of a corresponding application-scope resource of the plurality

of application-scoped resources ("...file access of 208 might also correspond to files in

layers A or the base file system..." Col. 4 Ln. 35 – 40, "...If files of the same name and

location exist in multiple layers or in the base file system, rules can be provided

whereby the layered system can determine which file to present to an application..." Col. 8 Ln. 6 – 11) and

d) replacing the system-scoped resource with the corresponding application-scoped resource ("…If files of the same name and location exist in multiple layers or in the base file system, rules can be provided whereby the layered system can determine which file to present to an application..." Col. 8 Ln. 6 – 11).

Blaser is silent with reference to enumerating an aggregate view of native resources, (e) enumerating a plurality of user-scoped native resources provided by the user isolation layer, some of the plurality of user-scoped resources corresponding to some of the plurality of system-scoped resources ("…enumerate the files of a layer…" Col. 20 Ln. 26 – 27); (f) determining, for the application-scoped resource of the plurality of application-scoped resources, the existence of a corresponding user-scoped resource of the plurality of user-scoped resources; and (g) replacing the application-scoped resource with the corresponding user-scoped resource in the aggregate view of native resources.

Atm teaches enumerating an aggregate view of native resources

("…merging information from different locations in the registry…" Col. 4 Ln. 44 – 47, "…merge multiple hives into a single hive…" Col. 7 Ln. 30 – 54).

It would have been obvious to one of ordinary skill in the at the time the invention was to made to modify the system of Blaser with the teaching of Atm because the teaching of Atm would improve the system of Atm by providing a technique for aggregating data/files from multiple source to provide a collection of data/files that are

gathered together to form a composite information and thus allows for a concise or consolidated view.

Kavalam teaches (e) enumerating a plurality of user-scoped native resources provided by the user isolation layer, some of the plurality of user-scoped resources corresponding to some of the plurality of system-scoped resources ("...virtualizing resources per application and **per user**..." page 1 paragraph 0007, "...namespace enumeration..." page 6 paragraph 0065, page 7 paragraph 0067);

(f) determining, for the application-scoped resource of the plurality of application-scoped resources, the existence of a corresponding user-scoped resource of the plurality of user-scoped resources ("...ignores duplicated objects with the global namespace enumeration found in the local namespace..." page 7 paragraph 0065); and

(g) replacing the application-scoped resource with the corresponding user-scoped resource in the aggregate view of native resources ("...ignores duplicated objects with the global namespace enumeration found in the local namespace..." page 7 paragraphs 0065/0067/0070).

It would have been obvious to one of ordinary skill in the at the time the invention was to made to modify the system of Blaser and Atm with the teaching of Kavalam because the teaching of Kavalam would improve the system of Blaser and Atm by providing transparently or opaquely allowing applications to access operating system resources (Kavalam page 6 paragraph 0065).

5.   As to claim 2, Blaser teaches the method of claim 1 wherein step (c) comprises determining, for the system-scoped resource of the plurality of system-scoped resources, that a corresponding application-scoped resource of the plurality of application-scoped resources does not exist ("…does not however, find a corresponding entry in layer B…" Col. 4 Ln. 35 – 43).

6.   As to claim 3, Atm teaches the method of claim 2 wherein step (d) comprises including the system-scoped resource in an aggregate view of native resources ("…merging information from different locations in the registry…" Col. 4 Ln. 44 – 47, "…merge multiple hives into a single hive…" Col. 7 Ln. 30 – 54).

It would have been obvious to one of ordinary skill in the at the time the invention was to made to modify the system of Blaser with the teaching of Atm because the teaching of Atm would improve the system of Atm by providing a technique for aggregating data/files from multiple source to provide a collection of data/files that are gathered together to form a composite information and thus allows for a concise or consolidated view.

7.   As to claim 5, Blaser teaches the method of claim 1 wherein step (f) comprises determining, for the application-scoped resource of the plurality of application-scoped resource, that the corresponding user-scoped resource of the plurality of user-scoped resources does not exist ("…does not however, find a corresponding entry in layer B…" Col. 4 Ln. 35 – 43).

8.   As to claim 6, Atm teaches the method of claim 5 wherein step (g) comprises including the application-scoped resource in the aggregate view of native resources ("…merging information from different locations in the registry…" Col. 4 Ln. 44 – 47, "…merge multiple hives into a single hive…" Col. 7 Ln. 30 – 54).

It would have been obvious to one of ordinary skill in the at the time the invention was to made to modify the system of Blaser with the teaching of Atm because the teaching of Atm would improve the system of Atm by providing a technique for aggregating data/files from multiple source to provide a collection of data/files that are gathered together to form a composite information and thus allows for a concise or consolidated view.

9.   As to claim 7, Blaser teaches the method of claim 1 wherein step (c) comprises determining, for the system-scoped resource of the plurality of system-scoped resources, that the corresponding application-scoped resource of the plurality of application-scoped resources indicates the system-scoped resource is deleted ("…file access of 208 might also correspond to files in layers A or the base file system…" Col. 4 Ln. 35 – 40, "…If files of the same name and location exist in multiple layers or in the base file system, rules can be provided whereby the layered system can determine which file to present to an application..." Col. 8 Ln. 6 – 11).

10.   As to claim 8, Blaser teaches the method of claim 7 wherein step (d) comprises

removing the system-scoped resource from the view of native resources

("...removed...in a layer..." Col. 8 Ln. 29 – 34, Col. 20 Ln. 24 – 30).

11.   As to claim 9, Blaser teaches the method of claim 1 wherein step (f) comprises

determining, for application-scoped resource of the plurality of application-scoped

resources, that the corresponding user-scoped resource of the plurality of user-scoped

resources indicates the resource is deleted ("...file access of 208 might also correspond

to files in layers A or the base file system..." Col. 4 Ln. 35 – 40, "...If files of the same

name and location exist in multiple layers or in the base file system, rules can be

provided whereby the layered system can determine which file to present to an

application..." Col. 8 Ln. 6 – 11).

12.   As to claim 10, Blaser teaches the method of claim 9 wherein step (g) comprises

removing the system-scoped resource from the view of native resources

("...removed...in a layer..." Col. 8 Ln. 29 – 34, Col. 20 Ln. 24 – 30).

13.   As to claim 11, Blaser teaches the method of claim 1 further comprising the step

of intercepting, by a file system driver, a mini-driver, a user mode hooking mechanism,

or a kernel mode hooking mechanism, a request to enumerate a file system comprising

system-scoped resources (Libraries 108/Software 106 Col. 4 Ln. 15 – 17, Col. 14 Ln. 58

– 67, Col. 20 Ln. 16 – 35).

14.   As to claim 12, Blaser teaches the method of claim 1 further comprising the step of intercepting a request to enumerate a plurality of registry entries (Libraries 108/Software 106 Col. 4 Ln. 15 – 17, Col. 14 Ln. 58 – 67, Col. 20 Ln. 16 – 35).

15.   As to claims 13 and 20, see the rejection of claim 1 above.

16.   As to claim 14, see the rejection of claim 2 above.

17.   As to claim 15, Blaser teaches the apparatus of claim 14, wherein the means for replacing includes the system-scoped resource in the view of native resources of the application-scoped resource ("…If files of the same name and location exist in multiple layers or in the base file system, rules can be provided whereby the layered system can determine which file to present to an application..." Col. 8 Ln. 6 – 11).

18.   As to claim 17, Blaser teaches the apparatus of claim 13 wherein the means for determining determines that the user-scoped resource corresponding to the application-scoped resource does not exist and including the application-scoped resource in the view of native resources ("…does not however, find a corresponding entry in layer B..." Col. 4 Ln. 35 – 49).

19.   As to claim 18, Blaser teaches the apparatus of claim 1 wherein the means for

determining determines the application-scoped resource is deleted and removing the

system-scoped resource from the view of native resources ("…if two enabled layer

contain a virtual reference to a file, one will take priority over the other and be identified

as the owner layer…" Col. 5 Ln. 54 – 58, "…file access of 208 might also correspond to

files in layers A or the base file system…" Col. 4 Ln. 35 – 40, "…If files of the same

name and location exist in multiple layers or in the base file system, rules can be

provided whereby the layered system can determine which file to present to an

application..." Col. 8 Ln. 6 – 11, "…removed…in a layer…" Col. 8 Ln. 29 – 34, Col. 20

Ln. 24 – 30).

20.   As to claim 19, Blaser teaches the apparatus of claim 13 wherein the means for

determining determines the user-scoped resource is deleted and removing the system-

scoped resource from the view of native resources ("…if two enabled layer contain a

virtual reference to a file, one will take priority over the other and be identified as the

owner layer…" Col. 5 Ln. 54 – 58, "…file access of 208 might also correspond to files in

layers A or the base file system…" Col. 4 Ln. 35 – 40, "…If files of the same name and

location exist in multiple layers or in the base file system, rules can be provided

whereby the layered system can determine which file to present to an application..." Col.

8 Ln. 6 – 11, "…removed…in a layer…" Col. 8 Ln. 29 – 34, Col. 20 Ln. 24 – 30).

Response to Arguments

Applicant's arguments with respect to claims 1-3, 5-15 and 17-20 have been considered but are moot in view of the new ground(s) of rejection, however some of Applicant's arguments filed 07/16/10 have been fully considered but are not persuasive.

Applicant argues in substance that (1) the Examiner erroneously rejected claim 20 under 35 U.S.C. 101, and (2) the Atm prior art is not directed to user or application isolation layers.

The Examiner respectfully traverses Applicant's arguments:

As to point (1), the Examiner maintains that claim 20 is directed to non statutory subject matter as rejection above. Appropriate correction is required.

As to point (2), contrary to Applicant's argument the Atm prior art is directed to user/application isolation layers.

Atm prior art discloses a system and method for providing access to information stored in a system registry. It provides customized view(s) of the system registry to client(s), users, component(s) and/or application(s). Customization can be based on version, computer configuration and/or user and further, the customized view of the system registry can be manipulated at runtime (Abstract).

The customization of system registry views to client(s), users, component(s) and/or application(s) (i.e. allowing client(s), user(s), component(s) and/or application(s) to have their own view or copy of system resources) is functionally equivalent to the isolation of user and application layers.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHARLES E. ANYA whose telephone number is (571)272-3757. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung Sough can be reached on 571-272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Charles E Anya/
Examiner, Art Unit 2194

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